

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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:
JAMIE DERRICA, :
:
Plaintiff, :
: 21-cv-8820 (VSB)
-against- :
: **ORDER**
TURA, INC., :
:
Defendant. :
:
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VERNON S. BRODERICK, United States District Judge:

On September 27, 2021, Plaintiff Jamie Derrica (“Plaintiff”), a citizen of New York, filed a complaint against Defendant Tura, Inc. (“Defendant” or “Tura”) in the Supreme Court, County of New York, alleging claims arising exclusively under New York Law. (*See* Doc. 4 Ex. A.) On October 29, 2021, Defendant removed the case to this Court by filing a notice of removal. (Doc. 4, “Notice.”) The ground for removal is diversity of citizenship; Defendant alleges that Tura is a Delaware corporation with a principle place of business in Muncy, Pennsylvania, therefore not a citizen of New York. (Notice ¶¶ 5, 6.) Michael Pasnello, the Vice President of Tura, also submitted a declaration stating that Tura’s principal place of business “has always been in Muncy, Pennsylvania.” (Doc. 16 Ex. 1 “Pasnello Decl.” ¶ 21.)

On December 6, 2021, Plaintiff filed her motion to remand with supporting documents. (Docs. 11–13.) Defendant filed its opposition to the motion to remand on December 31, 2021. (Doc. 16.) Plaintiff filed her reply with supporting documents on January 17, 2022. (Docs. 17–19.) In her reply memorandum of law to Defendant’s opposition, Plaintiff notes that in another action before the District of Massachusetts, *Weinberg v. Tura, Inc.*, 12 Civ. 11555 (D. Mass

2012) (“*Weignberg*”), Defendant sought removal and stated that Tura was a citizen of New York because its principal place of business was in New York. (Doc. 17 “Reply,” at 4–5.)

As Defendant has not offered any explanation to this inconsistency in its statements made to two different courts, it is hereby ORDERED that the parties shall appear before this Court for a telephone conference on April 14, 2022 at 3:00 PM. Defendant shall be prepared to explain, among other matters, (1) the reason for stating that Tura’s principal place of business “has always been in Muncy, Pennsylvania,” which directly contradicts its previous statement in *Weinberg*; and (2) the reason why the supporting documents of Plaintiff’s motion to remand, particularly her reply declaration, (Doc. 19), does not conclude that Tura is a citizen of New York. The parties shall refer to my Individual Rules for the dial-in information for the conference.

All further proceedings in this action are stayed pending a ruling on the motion to remand. The Clerk is respectfully directed to close the open motion at Doc. 23.

SO ORDERED.

Dated: April 4, 2022
New York, New York



Vernon S. Broderick
United States District Judge